

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROYAL BENSON, M.D., *et al*,

§

Plaintiffs,

§

v.

CIVIL ACTION NO. H-04-04323

ST. JOSEPH REGIONAL HEALTH
CENTER, *et al*,

§

Defendants.

§

MEMORANDUM AND ORDER

Pending before the Court are various pleading-related and discovery-related motions.

Having considered the parties' briefs, and having held a hearing on August 11, 2006, the Court finds as follows:

Plaintiffs' Motion for Leave to Amend (Doc. # 181) is **GRANTED**, and Plaintiffs are granted leave to file their Third Amended Complaint.

Plaintiffs' Motion to Quash (Doc. # 180) is **DENIED AS MOOT**, and Plaintiffs are **ORDERED** to produce the records of Bill Haddock, Ph.D., which relate to Plaintiff Dr. Benson, for the Court to review *in camera*. The Court defers its ruling on the discoverability of these records until it has completed the *in camera* review.

Plaintiffs' Second Motion for Leave to Take Additional Depositions (Doc. # 192) is **GRANTED IN PART**. As the parties have agreed, the deposition of each designated expert witness will be permitted and shall be limited to three (3) hours in duration. These expert depositions shall not be counted for purposes of the ten-deposition limit under Federal Rules of Civil Procedure 30(a)(2)(A) and 31(a)(2)(A).

Finally, upon the parties' agreement, the issue of any attorneys' fees to be awarded in this action is **BIFURCATED** from all other portions of the trial and will be decided by the Court.

IT IS SO ORDERED.

SIGNED this 11th day of August, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL
FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY
EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT